(3)

(1) CHHOT

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 2931 /2003

PETITIONER

Sangli Bai W/o Mudilka Ram
Age 60 years, Cast-Kumhar
R/o Kharakona, Th-Dhavarpur,
Dist-Surguja (C.G.)

P. R. No. 2290/03
Presented by Shri S. Jhabak
dated 10.09.03

VERSUS

RESPONDENTS

1. Raichui Bai Widow of Sadanram,
Age-42 years, Cast-Kumhar, Resi
Of Vill-Tatkela, Th-Bagicha,
Dist-Jaspur (C.G.)

2. State of C.G. Through Collector
Jaspur.

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10.9.
OF PETN. TO A.G. BILASPUR

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA IN THE NATURE OF MANDAMUS AND CERTIORARI.

(21)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ...WP 2931/03... सन् 200

.....विरुद्ध.....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	19-9-2003 Smt. Hamida Siddique, counsel for the petitioner. The petitioner has preferred this petition under Article 227 of the Constitution of India and challenged the order dated 22-8-2003 passed by the Civil Judge, Class-I, Jashpur Nagar in Civil Suit No. 2-A/2002 by which the application under Order 14 Rule 5 of the C.P.C. of the petitioner has been rejected. Facts leading to filing of this petition are that respondent No.1 Raichui Bai had filed Civil Suit in the Court of Civil Judge, Class-I, Jashpur Nagar, with the averments that she is legally wedded wife of late Shri Sadan Ram as she was married with Sadan Ram in the year 1979 and Sadan Ram had died on 22-7-2000 in the village Tatkela. Out of the wedlock she had delivered 3 children. It has further been mentioned in para-5 of the plaint that the husband of the plaintiff kept respondent No.1 as a concubine and the name of defendant No.1 has been entered in the service book of late Shri Sadan Ram. A written statement was filed by the present petitioner namely, Sangli Bai who is defendant in that suit stating that she is legally wedded wife of late Shri Sadan Ram and it is incorrect that the plaintiff was married with Sadan Ram in the year 1979, whereas the petitioner who is defendant in that suit was married with SadanRam in the year 1960 and out of the wedlock she delivered 3 daughters and one son.	

(22)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2931/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Based on the pleadings of the parties issues were framed by the learned Civil Judge. Being aggrieved by the issues, the petitioner herein filed an application under Order 14 Rule 5 of the C.P.C. for amendment of the issues and the petitioner's contention was that since as per the written statement she is legally wedded wife of late Shri Sadan Ram, therefore, issue to that effect should have been framed. That application has been rejected by the learned Civil Judge on the ground that issue No.2 has already been framed regarding the status of defendant No.1 whether she was concubine of Sadan Ram, therefore, no additional issue is required to be framed. In fact, the issue which has been proposed by the petitioner is the rebuttal of the issue No.2. The question of the status of the petitioner as to whether she was concubine or legally wedded wife of late Sadan Ram will be considered in issue No.2. Therefore, the application of the petitioner was rightly rejected by the learned Civil Judge. I do not find any illegality or infirmity in the order of the trial Court, therefore, there is no substance in the writ petition and the same is liable to be dismissed and it is dismissed. **Sd/-** **L.C. Bhadoo** **Judge**	

Barwe/

[पीछे देखिये